61

File No. 130

Collection No.

1885.

Mysore Residency

16.1.47

Pros. Serial Nos. 1 - 15

85.

Subject.

Extending to the C & M station ~~Excise Amending Act~~ Act VI of 1885 (amending Excise Act XXII of 81 already extended) and conferring certain powers on certain Police officers.

Extending to Mysore Acts XVIII of 1863 and XXII of 81 as amended

Previous References.

Later References.

F 604 / 85

F 517 / 85

MGIPC—FP—725DCF—S&P—(G.1576)—14-3-28—60,000.

Memo.

From Dewan No 45 dated 27

Reconsiders Extension &
Repeal of Acts XVI of 1865
XXII of 1881

Residents orders on letter

Have looked through these
drafts and see no objections,
but please peruse them and
note, if necessary, before
sending up again with fee.

Both the Acts in question
have been dealt with the
modifications suggested by
the Dewan, and the modifica-
tions seem on the whole,
suitable.—

2. In section 7(a) of the
Excise Act XXII of 1881, it is
provided that the duty payable
upon removing
spirit from a distillery
shall be that fixed by
section 11 of the Indian Tariff
Act 1875. As the last named
Act has been repealed by
Act XI of 1882, the duty
becomes limited to that
fixed by Sec: 6 of that Act.
The Dewan proposes to omit

cause of the Tariff
is that Act is not in
force in Myore and have
granted the substitution
the clause at such rate
as may be fixed and notified
in the Official Gazette
by H.H. the Maharaja
"Govt." Thus, no
must be placed upon the
rate of duty to be fixed
by the Myore Government
which as British India
it is restricted to the
duty prescribed in S. 6 of
Act XI of 1882. It, however
the Indian Legislature
have before them a Bill
(hereinafter indicated) which
seeks to repeal
the first part of S. 6 of
Act XI of 1882, and
to substitute for the first
clause of Sec. 7 of the
Excise Act the following
"such duty as the Local
Government may from time
to time fix in respect of
such spirit has been paid,"

Rec'd 1/90. Mun
7/3

3.

the modification made
the Govt. views accepted

3. A similar modification
is made in S. 23 of the
Excise Act to bring it into
line with the Tariff Act sections.

4. S. 23 of the Excise Act
runs as follows:—

No person shall bring into
any territory to which the
Act extends any spirit
manufactured at any place
in India beyond the limits
of British India &c. &c.

The words into any territory
to which the Act extends
do not seem to be quite
appropriate, as the territory
referred to in the proposed
Mysore Regulations is
only Mysore. It would
perhaps be well to
substitute for the words
above quoted the words
"into the territories of Mysore".

5. In conclusion, I am
respectfully pointed out
that the Excise Act XXII of
1881

1881 has been amended by Act VII (corrected) of 1885. The Secretary may perhaps be asked whether the Burdwan would like the amending enactment also to be introduced into Mysore.

6. The previous papers and the Act that may be required for reference in connection with this case are put up.

H
4.3.85.

7. As the Excise Act of 1881 is in force in the C & M Station, may applications be made to the Govt of India for the introduction into the Station of the amending Act VI of 1885?

H

Ref.

1. Para 2 of Minute.

The proposed Amendment seems unobjectionable. Yes HM

2. Para 4 – Sec. 23 of Act.

This section seems to require some further modification

besides the alteration suggested in the above note. The words "manufactured at any place in India beyond the limits of Br. India are not of place. Bhutan is surrounded on all sides by Br. India so any spirit (except smuggled spirit) introduced into Bhutan must have paid the British duty. The Section might perhaps run "No person shall bring into the territories of Bhutan any spirit manufactured at any place beyond the limits of the said territories until duty equal to the duty prescribed for such spirit by the Govt. of HH the Raja of Bhutan." This seems necessary because the British duty may be lower than the Bhutan duty.

3. Para 5. The Duties may be altered whether they will not in the Agreement Act VI of 1865 with the Reference now submitted for it mutatis mutandis. There is no doubt they will wish to do so. Yes E.J.

* Instead of "Br. India" throughout, the words "the territories of Bhutan" are to be read. This makes the Section clear, & do not think that amend must be made that noted in the above note is.

passed. Agree
7/8
Bayne
EJ

4. There is no use in fixing 1st April 183- as the date of commencement of operation of the Act. The date had better be left blank. The Act will require consideration not only in the Legislative Council but also in the Privy Council, for if the Mysore duty were pitched ~~too~~ much under the B.I. duty, probably a large illicit traffic would spring up whereby B.I. revenue would suffer. I am not sure what safeguards there are against this now. Any way the Consuls of the Powers that Govt. of I. is likely to take some time.

The posting of the Danish is to give the duty very high We might say this in our letter to Indian Govt. transmitting it for its danger in this direction

Yes. We might add in Secret to learn the date fixed.

5. We had better add that the Amendment Act VI of 1863 may be submitted to Sec. of St. Matter. A dft. Note will be submitted for Ld. Ps approval when we get a reply from the Board. Yes WM

6. There seems to be no objection to the Exclusion of Act XVI of 1863 to Mysore as proposed by the Board. But perhaps the date had better be left blank.

Yes WM

Mem 7/3

Sher.

Please dft. Mem 13/3

Draft to Board Mem 17/3

Issued 15/3/64

13/3/-

1

58
64

7. Note continued

8. The Dewan was addressed as above in this Office ~~Letter~~ Letter No. 2484/418 dated 19th March 1885.

9. In reply the Dewan has sent a revised draft of the Regulation ~~for the introduction~~ in regard to the Excise Act XXII of 1881 with the alterations suggested by this office made in it. The amending Act VI of 1885 has been included in the Regulation, the date on which the Regulation shall have effect in Mysore has been left blank, and the words "the territories of Mysore" have been substituted for the words "any territory to which this Act extends" in Sec: 23, as suggested by this Office.

10. In addition to the above alterations suggested by this Office, the Dewan has provided in the Regulation

It was resolved that in Sec: 4 of Act XXII of 1880 the words "or the Cantonments Act, 1880" be omitted. This modification is appropriate because the Cantonments Act, 1880, is not in force in Mysore.

11. The revised draft Regulation now received and the draft Regulation formerly received regarding Act XVI of 1863 may now be submitted to the Govt of India for approval. A draft letter is herewith submitted.

12. Another draft letter addressed to the Govt of India for the extension of the Act VI of 1885 (amending the Excise Act) to the C & M Stn of Bangalore, is submitted for approval.

YR
25/4/85

See the M/s. and fair in Mr. Rice's signature on return.

Mews
9/5

Fair the copies of enclosures and

9.

d/ Mrs N Wms street as they will go by Mr G-G India.

Mum.

---

13. With reference to para 7 of the Office Note above and para 5 of the Assistant Resident's remarks, a letter No. 389/63 dated 16th May 1885 (No 7) was submitted to the Government of India, recommending the extension to the C & M Station of Act VII of 1885 which amends the Excise Act XXII of 1881.

× Farrar to put up.

14. With reference to this recommendation, the Govt of India forwarded with their Endorsement No. 2050 I. dated 23d June 1885, (No 8), a copy of their Notification No. 2049 I. of the same date, extending the amending Act in question to the Civil and Military

Station of Bangalore, with the modification that in Section 34A the words "Resident in Mysore" shall be substituted for the words "Local Government".

15. It is respectfully submitted that a copy of the Notification may be forwarded to the Collector and District Magistrate of the Civil and Military Station of Bangalore for information, with the request that he will be good as to report what Police Officers should be invested, under Sec: 34A, with the powers specified under Sections 27, 28 & 29 of the Excise Act.

4.7

3.7.85

Draft submitted 7.7.85.

Issued 10.7.85.

16. In reply to letter from this office No. 905/446 dated 10th July 1885 sent to the Collector and District Magistrate of the civil and military station of Bangalore, as proposed in para 15 of the note, Major Hatley in letter No. 300/53 dated 15th July 1885 from the office of the Collector and District Magistrate of the civil and military station submits, that in his opinion, Police officers of and above the rank of Chief Constables, should be invested, under section 34 A. with the powers, specified under ss. 27, 28 and 29 of the Excise Act.

17. Under para (a) to s. 34 A. the Local Govt. (Resident in Mysore) may invest any Police officer with the powers conferred on Excise officers by s. 27 of the Excise Act, and under para (b) any Police officer in charge of a station

or

or above the grade of Head Constable or Sergeant- may be invested with the powers conferred on Excise officers by S5 28. & 29 of the act. Such being the case the Collector and District Magistrate is quite correct in proposing that Police Officers of and above the rank of Chief Constables should be invested with these powers.

18. Police officers of and above the rank of Chief Constable must, I venture to think, be invested with the powers referred to in S 27 of the act- namely the power to arrest persons carrying spirits &c. but it would be more expedient, I think, to invest only the Inspectors of Circles with the powers referred to in S5. 28 & 29 namely the power to arrest persons in possession of article liable to confiscation and to

9.

seize

alleged acted, and the power of search on information of illicit manufacture or possession.

9. Sections 6 & 7 Directions are generally men of considerable experience, and would only act in regard to such matters as are contemplated in these Sections, after due investigation, with every precaution, and would confine themselves to those powers which are necessary to enable them to carry out the powers required by Sec 5 29, in every possible manner, every great error if the subordinates; such as Chief Constables are invested with such a power, of would perhaps, be exercised, more as an act of oppression than in the interests of the public.

Submitted for orders.

24 July/85.

A draft notification will be submitted for approval after the orders are passed.

S Hindmarsh 24.7.85.

Hfully accept the Magn
Hall's opinion in this
Matter. Presumably he
Consulted the District Supt! of
Police. There are only
14 Officers of and above
the rank of Chief Constables
in the Station; namely,
8 Chief Constables
2 Inspectors
1 Ch. Inspector
2 Sub. Inspectors
1 Head Quarters Inspector } 6 Inspectors.

} A

Ans!

Ans
24.7.85.

A. Please make Memo
about this. G 27.7.

Sgt. Ans
27.7

Copy submitted
28.7.85.

20. Herewith to letter
No. 091/558 dated 20th July 1885
from this office,
the District-Magistrate's letter No. 416/64 dated

3rd August 1885.
informs that he consulted the District Superintendent of Police on the subject and that the Superintendent has agreed with the District Magistrate.

5.8.85.

Home Dept. Rules
10/8/85.

Draft submitted for approval.

11.8.85.

(Ref. office note para 11). 21. With letter No 388/62 dated 16 May 1885 (6) from this office, two draft Regulations, which the Mysore Durbar proposes to issue, for extension to the Territories of Mysore, the provisions of Act XVI of 1863 (An act to make Special provision for the levy of the Excise Duty payable on Spirits used exclusively in Arts and Manufactures or in Chemistry) and Act XXII of 1881 (The Indian Excise Act) as amended by act VI of 1885, were submitted for the consideration and orders of the Governor General in Council.

22. The Government of Bombay
have

have, in letter No 2515 J dated 29th July 1905 (12) from the Foreign Dept, intimated that with the exception of the following modifications the draft Regulations, referred to above, appear to be unobjectionable. For the modification proposed by the Durbar to substitute the words "at such rate as may be fixed and notified in the Official Gazette by His Highness the Maharajah Government" for the words "under the Indian Tariff Act 1875, Section Eleven", in Section 7 clause (a) of Act XXII of 1901, the Government of India observe that the working of section 2 of Act IX of 1905, by which it has been repealed, might with advantage be followed. The clause would then run thus "(a) Such duty as the Government of His Highness the Maharajah may from time to time fix in respect of such spirit has been paid or"

23. The above modification, it has been pointed out

by

by the Government of India, besides being in conformity with the more recent British legislation on the subject, would remove the objection that the clause, as proposed to be enacted, might not admit of the Mysore Government varying the duty, after once fixing it.

24. The Government of India further desire that the Darbar, in cancelling the Government of India notification No 251 J.J. dated 12th September 1879 (retaining Act 10 of 1871 into force) by Section 15 of the draft Regulation introducing Act XXII of 1901, should record that it has been done, as article 19 of the Instrument of transfer requires, in accordance with the consent of the Governor General in Council.

24. With the above circumstances the Government of India have given their approval to the publication by the Darbar of the Rinderpest Regulations in question.

25. Under the circumstances, may a letter be despatched

to the Govt communicating the views of the Government of India on the subject.

9/14. 8.85.

26 Ref.

Vol^n

The dft. below ~~of the Pet^n~~ (regarding the powers of the Police under the Excise Act) may issue? And the ~~Pet^n~~ Barbar may be informed that the dft. Vol^n regarding the taxation & Imports of Acts XVI of 1863 and XXII of 1863 (as amended by XI of 1863) may be issued with the modifications required by the Govt. of India? Draft noted the modifications in blue pencil in the dft.

— See Dip A. Nuces 15/8/85.

27 A.B. Re-place.

28 Nuces. 18.8.85.

Nuces 18/8/85.

29 Draft to Govt submitted for approval. 19.8.85.

30 Done. Nuces 20/8/85.

31. A notification regarding

the powers of the Police under the Excise Act as proposed in para 26 of this note was issued.

Serial No. 15, 32. Letter No. $\frac{1335}{253}$ dated 21st August 1885, to the Dewan of Mysore, embodying the views of the Government of India, mentioned in paragraphs 22 to 24 above was issued.

33. The Bombay have now published the two Regulations (II and III), and the Acts of the Governor General in Council as will stand amended by them in Part III, of the Mysore Gazette, of 26th September 1885. These

9

Serial No. 16.

These Regulations and the Acts as amended by them were examined, and they are in accordance with the views of the Government of India expressed in paragraphs 22 & 24 of this note.

34. It may here be observed that the date on which these Regulations were to come into operation had been left blank as now requested in para 3 in serial No. 4 of the two draft Regulations submitted by the Durbar. But they have now supplied the omission by inserting the 1st of October 1885, instead of 1st September 1885 suggested by us, as the day on which these Regulations are to come into operation in Mysore. — 2.10.85

Enclosures to Serial No. 338

Serial No. 15. para 4.

There is no objection to this.
Mum
2·10·85

Mr Mum 4·10.

Letter No. 2513 dated 29th July 1885 from the Government of India, Foreign Department.

Approving generally the drafts of two Regulations of the Durbar, for extending to Mysore the provisions of Acts XVI of 1863, and the Indian Excise Act XXII of 1881 as amended by Act VI of 1885.

The necessary papers connected with this Case are put up in file No. 130 (in vestwee of Police officers of the C and M Station with powers under the Excise Act). The file was submitted for orders yesterday.

The usual note will be submitted as soon as the file No. 130 is received.

6.8.85.

12/6

The file was resubmitted on 11th August 1885 with the draft notification.

13.8.85.

e 910

22

(General Serial No. 31.)

OFFICE OF THE RESIDENT IN MYSORE. D 227 11 NOV 84

From The Dewan Mysore

To The Resident in Mysore

Dated 29 Oct.

Despatched

Received

Enclosures No.

General No. 28 No.

Yes, Sir. This is the first time that the Dewan applies for the introduction of the Act into Mysore.

The Act was extended to the Coorg Station by Foreign Dept Notfn No 529 I. dated 1st March 1883. Soon after that date the Dt Magte of the C & M Station pointed out the inconvenience of there being two different laws regarding Excise in the Putta & the Station where the Excise arrangement of both were carried on by the same agency and recommended that the Dewan be moved to introduce the new Act into the Putta. We accordingly wrote twice to the Dewan but received no reply. The

Requesting Dodsan the sanction of the Govt of India by telegram to the introduction into Mysore of the Excise Act No XXII of 1881.

P. 7/5

in both tracts is worked under the same arrangements, and by the same

23

modifications made in
when it was extended
C & M Sts are noted at
13 and 14 of the accompanying
printed book of Acts & Rules
issued in the Sts. Modifications
similar to these will, I believe,
have to be made for Mysore.
I think the Dewan may be
asked to state what modi-
fications he would propose
and he may perhaps be
furnished with a copy of
the modifns made as
regards the C & M Sts.

6/11/84

Yrs. sincerely
C. P. Rice

Enclosure submitted. 6/11/84

Office of the Board of Mysore.

Camp Mysore, 5th October 1884

No 28

To

The Resident

in Mysore.

Sir,

I have the honor to request that you will be so good as to obtain the sanction of the Govt of India to the introduction of the Excise Act XXII of 1881 to the Territories of Mysore, in Supersession of Act X of 1871 which was extended to Mysore by the Notification of the Govt of India, Foreign Department, No 257 I.J. dated 12th September 1879. The former Act (XXII of 1881) is now in force in the Civil and Military Station, but it has not yet been extended to the rest of the Province, though the excise revenue in both tracts is worked under the same arrangements, and by the same

e 410

26

1884

N° 260½

2

To

The Dewan of Mysore

Dated 8th November 1882.

Received 27th February 1883.

Four despatches from H.

9 No. 1 A.C.

Office of the Resident in Mysore
Camp Bangalore 10th May 1884

To

The Dewan of Mysore

Sir,

With reference to your letter No. 28 dated the 29th Ultimo, requesting me to obtain the opinion of the Govt. of India to the introduction of the Excise Act (XXII of 1881) into the territories of Mysore, I have the honor to point out that the modifications which will be made in the Act to make it applicable to the circumstances of Mysore have not been stated.
I regret the delay which will be caused by this reference, but as I do not think the Government of India would agree to the Extension of the Act in so summary a way, I request that the verbal and other

modifications which the Bunker proposes making in the Act — may be communicated to me.

A copy of the modifications made in the Act as it applies to the C & M Station of Bangalore is herewith forwarded for reference.

Yours etc
V. V. Ranade
President

Extract from page 13 of the printed list of Acts in force in the C & M Station of Bangalore —

Yes
7.11.84

29

(General Serial No. 30)

OFFICE OF
D334
1885
SECRET

From

The ~~Secretary to the~~ Dewan
of Mysore.

To

The Resident
in Mysore

Dated 27 February 1885

Despatched

Received 2nd March 1885

Enclosures No. Two

General No. 45
No.

Forwards for the approval
of the Govt of India 2 Draft
Regulations for introducing
into Mysore the Indian
Succession Act XXII of 1881
& Act XVI of 1863.

[illegible]

Recd. 3/3

Sent with note
dt. 4.3.85

Draft Regns. etc. 15/3/85

Office of the Dewan of Mysore.

No. 45

Camp. Mysore 27th February 1885

To.

The Resident
in Mysore.

Sir,

With reference to your letter dated 8th November 1884, No. 4 Ac 1 I have the honor to forward herewith a Draft Regulation for introducing the Excise Act, 1881 (Act No XXII of 1881) into the Territories of Mysore, and to request that you will be so good as to obtain the sanction of the Government of India to the same. The Indian Tariff Act not being in force in Mysore, the rates of duty are left to be regulated by order of Government.

2. The Durbar are desirous

of

of authorizing the use of Spirits in Arts & manufactures and in Chemistry, upon the payment of a very light duty. I accordingly forward herewith a Draft Regulation for introducing Act XVI of 1863 into Mysore. This Regulation fixes the duty in accordance with the Indian Tariff Act.

3. If these Regulations meet with the approval of the Government of India, it is the intention of the Durbar to introduce them with Effect from 1st April 1885.

I have the honor &c.,

Sir,

Your most obedient Servant

K. Sheshadri Iyer

Dewan.

of authorizing the use of Spirits in Arts & manufactures and in Chemistry, upon the payment of a very light duty. I accordingly forward herewith a Draft Regulation for introducing Act XVI of 1863 into Mysore. This Regulation fixes the duty in accordance with the Indian Tariff Act.

3. If these Regulations meet with the approval of the Government of India, it is the intention of the Durbar to introduce them with Effect from 1st April 1885.

I have the honor &c,

Sir,

Your most obedient Servant

K. Sheshadri Iyer

Dewan.

Draft Regulation II of 1885

A Regulation to amend the Law relating to the Excise Revenue in the Territories of Myeare.

Published by Regulation II of 1885 (Myeare Gazette Part III Page 47 8726-9-85)

Whereas it is expedient to apply to the Territories of Myeare Act XXII of 1881 (The Excise Act) of the Governor General of India in Council, His Highness the Maharajah is pleased to enact that the aforementioned Act XXII of 1881 shall have the force of law in the Territories of Myeare with the modifications and omissions hereunder mentioned.

1. For "Local Government", "Chief Revenue authority", and "Chief Controlling Revenue authority", read "Government of His Highness the Maharajah

"Maharajah of Mysore".

For "Collector" read "Deputy Commissioner"

& for "British India" read "the
"Territories of Mysore".

2. In the Preamble, for
"Northern India, British Burma
and Coorg" read "the Territories
of Mysore".

3. For the second and third
paragraphs of Section 1, substitute
"It extends to the whole of the
"Territories of Mysore and it shall
"come into force on the first day
"of April 1885".

4. In Section 3, omit the
definitions of "Chief Revenue Authority,"
"Commissioner of Revenue" and
"Collector", and the words, "Subject to
"the

"the control of the Governor General
"in Council", "and in British
"Burmah one reputed quart bottle",
and " and in British Burmah
"four reputed quart bottles".

5. In section 7 clause (a), for
"under the Indian Tariff Act, 1875,
Section Eleven", substitute "at such
"rate as may be fixed & ratified in
"the official Gazette by His Highness
"the Maharajah's Government", and
in clause (c) of the same section, omit
the words "with the previous sanction
"of the Governor General in Council".

6. Omit Section 10.

7. In Sections 11 & 22, omit the
first para and the words
"in the other territories to which
"this

"this Act Extends" in the second para.
In Section 11, after the word "Cultivation" add
"Export and import".

8. For the first & second paragraphs of Section 13, substitute the following:—

"Subject to the rules made by the Government of His Highness the Maharajah of Mysore, the Deputy Commissioner may grant licenses for the sale of spirit and fermented liquor, foreign and country, and of intoxicating drugs, wholesale or retail, within his District or any part thereof or any place therein".

9. In Section 14 omit the words "Commissioner of Revenue or".

10. In Section 16 omit ——
"(Except in British Burmah.)".

11. In Section 23 for the word "under

"under the Indian Tariff Act, 1875, Section Eleven", Substitute "by the Government of His Highness the Maharajah of Mysore".

12. In Section 54 para 1, for "Commissioner of Revenue" read "Government of His Highness the Maharajah of Mysore", and for "such Commissioner" read "such Government", and in paragraph 2 omit "or by a Commissioner under this Section".

13. The Notification of the Govt of India, Foreign Dept, Judicial No. 251 J.J. dated the 12th September 1879 extending Act X of 1871 to the Territories of Mysore is hereby repealed.

V Krishnaraja Dr

Dewan,

Draft Regulation ~~II~~ of 1885

A Regulation to make Special provision for the levy of the Excise duty payable on Spirits used Exclusively in Arts & Manufactures or in Chemistry.

Whereas it is Expedient to apply to the Territories of Mysore Act XVI of 1863 of the Governor General of India in Council, His Highness the Maharajah is pleased to enact that the aforesaid Act XVI of 1863 shall have the force of law in the Territories of Mysore with the modifications and omissions hereunder mentioned and with Effect from the first day

of April 1885.

1. In Section 1, for "calculated at ten per cent", substitute, "not exceeding five per cent."

2. For "British India" read "the Territories of Rupor", and for "Board of Revenue" & "Local Government", read "the Government of His Highness the Maharajah of Rupor"

3. Omit Section 8.

V. Shivadinger
Dewan

No. 2404/410.

Office of the Resident in Mysore
Dated Bangalore 19th March 1885

To
The Dewan of Mysore

Sir,

I am directed to acknowledge the receipt ~~of your receipt of~~ of your letter No. 45 dated the 27th ultimo, forwarding ~~for the approval of the Government of India~~ the draft of two Regulations which it is proposed to be issued by the Durbar under the powers of Sections 6 of the Excise Laws of Mysore Act XVII* of 1863 and the Indian Excise Act XXII of 1881.

2. Before submitting the draft Regulations for the approval of the Govt of India. I am directed by the Resident to point out that the Excise Act XXII of 1881 has been recently amended by Act VI of 1885, and

* The Act for the levy of Excise duty on Spirits used in Arts & Manufactures or in Chemistry.

e. 410

41

1885
No. 418

To,

The Dewan ofs.
Mysore

dy 19th March/85.

Enc: No.
No. 2404
To Dewan 410.

Draft for approval

Trin Mr Dewan's. 28 3-4-85

I am to inquire whether the Durbar would wish to incorporate the provisions of the amending Act with the proposed Regulation, or to extend it separately to Mysore Mulcahy Inclands.

3. I am also to suggest that the date (1st April) on which the proposed Regulations are intended to be brought into effect may be omitted, as the Regulations will have to be considered in the Legislature Dept of the Govt of India, besides the Foreign Dept, and it will be some time before a reply can be received.

4. I am to suggest the substitution in Sec: 23 of Act XXII of 1881, of the words "into the territories of Mysore", it would not be well to substitute for the words "into any territory to which

this Act extends. ~~The words~~
~~"to the territories of Mysore"~~
The amendment is suggested
because under the draft
Regulations the Act extends
to the territory of Mysore
~~and to no other~~ area.

17/3

17/3/85

c 410

(General Serial No. 30.)

OFFICE OF THE RESIDENT IN MYSORE. 7 APR 85 1885 — 6

From

The ~~Secretary to the~~ Dewan of Mysore.

To

The Resident in Mysore.

Dated 3? April 1885

Despatched

Received

Enclosures No. one.

General No. 2.

No. 1/This Office N 24840/418 1-3-85

Forwards a revised draft of the Regulation to amend the law relating to the Excise Revenue in Mysore.

To Indian Mutiny Office.

Rec'd 10/4/85

No 12.

Office of the Dewan of Mysore,
Camp. Mysore, 3? April 1885.

To.

The Resident
in Mysore.

Sir,

In acknowledging the receipt of your office letter No $\frac{2484}{418}$ dated 19th March 1885, I have the honor to forward herewith a revised Draft of the Regulation to amend the law relating to the Excise Revenue in the Territories of Mysore which will be seen to embody all alterations suggested by you.

I have the honor &c.,

Sir,
Your most obedient Servant
K Sheshadri Iyer
Dewan

Draft

of

A Regulation to amend the law relating to the Excise Revenue in the Territories of Mysore.

Whereas it is expedient to apply to the Territories of Mysore Act XXII of 1881 (the Excise Act) as amended by Act II of 1885, His Highness the Maharajah is pleased to enact that the aforementioned Acts XXII of 1881 and II of 1885 shall have the force of law in the Territories of Mysore with the modifications and omissions hereunder mentioned.

1. For "Local Government," "Chief Revenue Authority" and "Chief Controlling Revenue Authority," read "Government of His Highness the Maharajah."

For

for "Collector" read "Deputy Commissioner".

for "British India" read "the Territories of Mysore".

2. In the Preamble, for "Northern India, British Burmah and Coorg" read "the Territories of Mysore".

3. For the second and third paragraphs of Section 1, substitute "It extends "to the whole of the Territories of Mysore "and it shall come into force on "the .. day of — — — — "1885."

4. In Section 3, omit the definitions of "Chief Revenue Authority", "Commissioner of Revenue" and "Collector", and the words "Subject to the Control of the Governor General in Council," "and in British "Burmah

"Burmah one reputed quart
"bottle", and "and in British
"Burmah four reputed quart
"bottles"-

5. In Section 4, omit the words
"or the Cantonments Act, 1880".

6. In Section 7 clause (a) for
"under the Indian Tariff Act, 1875,
"Section eleven". Substitute "at such
"rate as may be fixed and notified
"in the official gazette by His
"Highness the Maharaja's Government,"
and in clause (c) of the same
Section omit the words "with the
"previous sanction of the
"Governor General in Council".

(In clause (a) of Section 7 of the Principal Act, for the words "Rs. 6" the words "Rs. 10" shall be substituted:—

"(a) such duty as the Govt. may from time to time fix in Royal Gazette not exceeding Rs. 10 per gallon, or"

7. Omit Section 10.

8. In Sections 11 and 22, omit the first para and the words
"in the other territories to which this
"Act extends" in the second para-

9. In section 11 after the word "cultivation" add "export and import".

10. For the first and second paragraphs of Section 13, substitute the following:—

"Subject to the rules made by the "Government of His Highness the "Maharajah, the Deputy Commissioner "may grant licenses for the sale of "spirit and fermented liquor, "foreign and country, and of "intoxicating drugs, wholesale or "retail, within his district or any "part thereof or any place therein."

11. In Section 14 omit the words "Commissioner of Revenue or".

12. In Section 16 omit — "(except in British Burmah)".

13. In Section 23 for the words "any territory to which this act extends" read.

read "the territories of Mysore", and for the words "under the "Indian Tariff Act, 1875, Section Eleven" substitute "by the Government "of His Highness the Maharajah".

14. In Section 54 para 1, for "Commissioner of Revenue" read "Government of His Highness the Maharajah" and for "Such Commissioner", read "Such Government", and in paragraph 2 omit "only a "Commissioner under this Section".

15. The Notification of the Govt. of India, Foreign Department, Judicial No. 25/I J dated the 12th September 1879 Extending Act X of 1871 to the Territories of Mysore is hereby repealed, viz.

Draft
M Shamanna Iyer
Dewan.

No. 3000/62

Office of the Resident in Mysore
Bangalore 16th May 1885

To The Secretary to the Government of India
Foreign Depart.

Sir,

I have the honor to forward herewith for the ~~approval~~ of ~~His Excellency~~ the ~~Viceroy and~~ Governor General in Council ~~the~~ drafts of two Regulations which the Durbar propose to issue for the extension to the territories of Mysore of Act XVI of 1863 and Act for the levy of Excise Duty on Spirits used in Arts and Manufactures or in Chemistry) and the Indian Excise Act XXII of 1881, as amended by Act VI of 1885.

2. ~~The draft Regulation for extending Act XVI of 1863 calls for no further remark~~ ~~I would point out~~ that the duty leviable under section 1 ~~is~~ fixed at ~~the~~ a rate

Foreign No. 1 of 29 Oct 84

a copy of the Correspondence noted in the margin, regarding

* Letter No. 28 dated 29th Oct. 1884 from Bglore
do No. 4 A.C dated 8 Nov. 84 to do
do No. 45 dated 27th July 85 from do
do No. 2484 dated 19th March 85 to do
do No. 418 2 dated 3rd April 85 from do

payable

rate not exceeding five per cent on the value of the spirit, in accordance with section 6 of the Indian Tariff act XI of 1882.

3. ~~Leave to be moved~~ It will be moved that the Council do recommend to the Governor General ~~to~~ the Excise act XXII of 1881 be amended ~~so as to enable Local Governments to point out that~~ the duty leviable under section 7 (a) on spirit removed from the licensed distillery, ~~is left~~ to be fixed by the Mysore Government instead of being limited to the rate fixed by section 11 of the Indian Tariff Act. As it appears, however, from Bill No. 18 of 1884, published in Part I of the Gazette of India dated 3d January last, that it is in contemplation to ~~leave it to~~ enable Local Governments to prescribe the duty payable under section 7 (a) of Act XXII of 1881, the ~~Boards~~

51

W/o Mubar

proposal seems unobjectionable. In connection with this subject I would remark that the policy of the Rajah of Tanjore is to fix the duty very high. There is no danger of spirits being smuggled into British India and sold at cheap rates there to the detriment of the British Revenues.

which shall in future pass between the Northern Districts and the Assigned Tract.

I have &c

Munro
9/5

Resident.

Hll
28/4/85

A10

52

No 62 1885

To

Hague

Dft 16th May/85

Enc: No 1.

No 300
62.

To Foreign

Dept of the Interior

Dft
Confirmed

14/5/85

No. 389
63

Office of the Resident in Mysore
Dated Bangalore 16 May 1885.

To
The Secretary to the
Government of India
Foreign Department,
Simla

Sir,

I have the honor ~~to request~~ ~~that~~ the Governor General in Council may be pleased to extend the provisions of Act VI of 1885, (an Act to amend the Excise Act, XXII of 1881,) ~~to the Civil and Military Station of Bangalore.~~

~~2 Act XXII of 1861 was~~ wh. was Extended to the Civil and Military Station of Bangalore by Foreign Department Notification No. 529 I. dated the 1st March 1883.

~~And as several abominations have been made in the~~

the amending Act VI of 1885
the present proposal is made.

2. A draft Notification
for publication in the Gazette
of India is forwarded here-
with

Yours &c
Illegible
9/5
Resident

Draft Notification

The Governor General in
Council is pleased to extend
Act VI of 1885 (an Act to
amend the Excise Act
XXII of 1881) to the Civil
and Military Station
of Bangalore.

Illegible
9/5

Illegible proceedings
in this Dept.
Illegible

56

529

1885.

OFFICE OF THE
GMS
1 JUL 85
RESIDENT IN MYSORE.

From India Foreign

Dated 23rd June 1885

Received 30th June 85.

Enclosures No.

No. 2050 I.

This office No 389/63 dt 16-5-85.

Forwarding copy of Notifn No 2049 I dt 23rd Inst extending the Act VI of 1885 to the Civil and Mily Station of Bangalore.

Copies to Residents for information in Regd

Ordered by the Resident

8-4-85

Rec'd 3.7.85

J

57.

No 905/446 Enc: 1.

Office of the Resident in Mysore
Dated Bangalore 10th July 1885.

To The Collector and Dist: Magte,
C & M Station of Bangalore

Sir,

I am directed to forward herewith for your information a copy of a Notification No 2049 dated the 23d June 1885 issued by the Government of India in the Foreign Department, extending Act VI of 1885 (an Act to amend the Excise Act XXII of 1881) to the Civil and Military Station of Bangalore.

2. I am at the same time to request that you will be so good as to report what Police Officers should be invested, under Section 34-A, with the powers specified in Sections 27, 28 and 29 of the Excise Act

I have &c

Q
A.D.C.

for the Resident.

KC
7.7.85

J 7 & 300/53 15-7-85

58

188

Mis 642
7 JUL 85
RESIDENT IN MYSORE

From The Collector and Dist. Magte
C & M S.

Dated 15th July 1885

Received 16th "

Enclosures No.

No. 300/53

To Chief Office No 905/446 dt 10-7-85

Stating that Police Officers of and above the rank of chief Constables should be invested under Sec: 34 A with the powers specified in Secs: 27-28 & 29 of the Excise Act.

This subject has been dealt with by the Municipal Act - may this reference be dispensed with? W.H.S. 22/7

Yes. But why would it be desirable to suggest this? Mins 22.7.85

Received 23.7.85.

1885. Copy of letter No 109/550 dt 28th

Recd 16.7.

No. 300/53

Office of the Collector & District Magistrate & Dr. Station -

Bangalore 15th July 1885

To

The Assistant to the Resident

in Mysore.

Sir

With reference to your letter No. 905/446 dated 10th July 1885 I have the honor to state in my opinion report that Police Officers of and above the rank of Chief Constables should be invested under Sec 34 A with the powers specified in Secs: 27. 28. & 29 of the Excise act.

I have the honor to be

Sir

Your most obdt: Servant

Collector & Dist: Magistrate

No 1091/550

Office of the Resident-in Mysore
Bangalore 20th July 1885.

To

The Collector and District Magistrate-civil and Military Station Bangalore

Sir

I am directed to acknowledge the receipt of letter No 300/63 dated 15th July 1885 from your office, ~~requesting~~ that Police Officers of and above the rank of Chief Constables should be invested under Section 34A with the powers specified in Sections 27, 28 and 29 of the Excise Act.

2. I am to request that you will be so good as to inform me if the District

Communicating my opinion

Before the Mr. passes final orders in this case, he will be glad to be informed whether

Superintendent of Police
has Consulted on the
subject, and whether he
concurs in his opinion expressed in your letter under
ack[d].

I have &c.
[illegible] 28/7/05.
Secretary to the
Resident.

28.7.05.

5241

62

No. 257 I.

From

The Junior Under Secretary to the
Government of India.-

To

The Resident in
Mysore.-

Foreign Deptt:
Internal

Dated Simla, the 29th July, 1885.

Sir,

I am directed to acknowledge the receipt of your letter, No. 388/62, of the 16th May, 1885, forwarding drafts of two Regulations which the Darbar propose to issue with a view of extending to Mysore the provisions of Acts XVI of 1863, and the Indian Excise Act XXII of 1881 as amended by Act VI of 1885.

2. In reply I am to say that with the exception of the following observations the draft Regulations appear to the Governor General in Council to be unobjectionable.

3. Section 7 (a) Act XXII of 1881. In place of the modification proposed by the Darbar in this section, the wording of section 2 Act IX of 1885 by which it has been repealed, might with advantage be followed. The clause would then run thus -

"(a) such duty as the Government of His Highness the Maharaja may from time to time fix in respect of such spirit has been paid or." This modification besides being in conformity with the more recent British Legislation on the subject would remove the objection that the clause, as proposed to be expressed, might not admit of that Government varying the duty after once fixing it.

4. It is desirable that the Darbar in cancelling, as it proposes to do, the Government of India Notification No. 251 J.J. of the 12th September 1879, should recite that it has been done, as Article 19 of the Instrument of Transfer requires in accordance with the consent of the Governor General in Council. With these remarks I

am

am to convey the approval of the Government of India to the publication by the Darbar of the Regulations in question.

I have the honor to be,

Sir,

Your most obedient servant,

Junior Under Secretary to the Government of India.

849

65

Rec'd 765

RESIDENT IN MYSORE

No. 416.
64

Office of the District Superintendent
Civil & Military Station
Bangalore 23rd August 1885.

To

The Assistant to the Resident.
in Mysore. Bangalore.

Rec'd 5/9/85.
9.

Sir.

With reference to your letter No. 1091/558 dated 28th July 1885. I have the honor to inform that I have Consulted the District Superintendent of Police on the Subject therein referred to & he agreed with me.

I have the honor to be.

Sir
Your Most Obedient Servant.
[illegible]

District Magistrate.

Enc 11

Enc 11 — No 11.

Office of the Resident in Mysore &c

Notification

Bangalore dated 21st August 1885

No 21—S—85.

In exercise of the powers conferred by section 34 A of Act- XXII of 1881 (The Excise Act), as amended by Act III of 1885, the Resident in Mysore is pleased to invest the Police officers of the Civil and Military station of Bangalore, of and above the grade of Chief Constables, with the powers conferred on Excise- officers, by sections 27, 28, and 29, of Act- XXII of 1881 (The Excise Act), as amended by Act III of- 1885, to be exercised within the limits of the C and M. Station of Bangalore.

By Order

M. Huck.
15/8/85

P.J.O. Asst- Resident

To 67

The Publisher Gazette of India for publication in part-II of the Gazette.

No. 1334/601. 721-A-85.

Copy forwarded to the Distt Magistrate of the C. and M. Station for information, with reference to correspondence ending with letter No. 416/64 dated 3rd August 1885 from his office.

"By Order"

G 18.8.85 Illegible 15/8/85

Assistant-Resident.

18.8.85.

68 1

No. 1335/255

Office of the Resident in Mysore
Bangalore, dated 21st August 1885.

To

The Dewan of
Mysore.

Sir

With reference to the correspondence ending with letter No. 2 (Camp) dated the 13th of April, 1885, from your office, I am directed by the Offg. Resident to state that the Drafts of the two Regulations which the Durbar proposes to issue with a view of extending to Mysore the provisions of Acts XVI of 1863, and the Abkari Excise Act XXII of 1881, as amended by Act VI of 1885, were duly submitted for the consideration and orders of the Governor General in Council, and Laws were to convey the orders of the Government of India on the subject.

An intimation has now been received by the Offg. Resident,

2. With the exception of the following observations, the Draft Regulations appear to the Government of India unobjectionable.

To be

2. In place of the modification proposed by the Durbar in Section 4 (a) Act XXII of 1881, the

Government of India's opinion that the wording of section 2, Act IX of 1865, by which it has been repealed, might with advantage be followed. The clause would then run thus:- "(a) such duty as the Govt. of His Highness the Maharajah may from time to time fix in respect of each spirit has been paid or" This modification, ~~the Government of India believe,~~ besides being in conformity with the more recent British legislation on the subject, would remove the objection that the clause, as proposed to be enacted, might not admit of the Mysore Government varying the duty after once fixing it.

4. The Government of India desire that the Darbar in cancelling, as it proposes to do, the notification of the Government of India No 254 I.J. of the 12th September 1879, should recite that it has been done, as article 19 of the Instrument of Transfer requires, in accordance "with the consent of the Governor General in Council." The words in inverted commas might perhaps be added in Sec. 15 "Vide Opt. Rejt.

4. With these ~~modifications~~ ~~I see no objection~~

3. 70

This Approval to apply to the ~~Regulations by the Board~~ immediately ~~to the~~ publication by the Board of the Regulations in question with effect from 16th September, 1893.

Thos. Graves Sec.
21/8/93

Received to the Board.
19.8.93.